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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,388	11/12/2003	Jeffrey A. Swaim	CFS.004CP1	9608

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EXAMINER

LUONG, SHIAN TINH NHAN

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/712,388	SWAIM ET AL.	
	Examiner	Art Unit	
	Shian T. Luong	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. Claims 1-3,7-9,11,17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trummer in view of Chen (US 5,960,952). Trummer discloses an apparatus comprising a platform having a generally triangular cross section as shown in Figures 10-14. The apparatus has a front portion 512 and a rear portion 712 meeting at an upper apex. A panel 1410 connects the front portion to the rear portion opposite the upper apex. The front and rear portions configured to form a container in a closed configuration and are sized to transport devices. The bag has zippers attach the front and rear portions in a closed position. Straps 510 secure the electronic device to the front portion. At least two other straps 202,310,304,306,1902,1904 are formed on the apparatus and allow a user to secure the apparatus to a person or a vehicle portion. The straps are attached near an edge of the upper apex and are adjustable to secure to the intended object.

Trummer does not show a retaining member with a variable length. However, Chen shows a protective case for a computer with a lid and a base. The base has a strap 32 or a strap 36 to removably secure the computer within the compartment. Each strap has a first end affixed to a first side of the front portion and a second end affixed to a second side of the front portion. The strap portions removably attached to each other by Velcro. It would have been obvious to provide the removable strap to the front portion of Trummer to further secure the computer within the front panel. In addition, the strap is adjustable to secure notebooks of different sizes

2. Claims 1-3,5,6,7,8,9,11,12,17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trummer in view of Chen (US 5,960,952) and Meritt (US 2001/0011664). Trummer discloses an apparatus comprising a platform having a generally triangular cross

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section as shown in Figures 10-14. The apparatus has a front portion 512 and a rear portion 712 meeting at an upper apex. A panel 1410 connects the front portion to the rear portion opposite the upper apex. The front and rear portion configured to form a container in a closed configuration and is sized to transport devices. Straps 510 secure the electronic device to the front portion. At least two other straps 202,310,304,3061902,1904 are formed on the apparatus and allow a user to secure the apparatus to a person or a vehicle portion. The straps are attached near an edge of the upper apex and are adjustable to secure to the intended object.

Trummer does not show a retaining member with a variable length. However, Chen shows a protective case for a computer with a lid and a base. The base has a strap 32 or a strap 36 to removably secure the computer within the compartment. Each strap has a first end affixed to a first side of the front portion and a second end affixed to a second side of the front portion. The strap portions removably attached to each other by Velcro. It would have been obvious to provide the removable strap to the front portion of Trummer to further secure the computer within the front panel. In addition, the strap is adjustable to secure notebooks of different sizes

Trummer does not show strapping the bag to the car headrest. However, Meritt teaches a mounting device for releasably and securely mounting an entertainment accessory within an automobile having a headrest. The bag has straps 27,30134,136 on the top and bottom of the bag. The straps secure the entertainment device for viewing while in the automobile. Hence, it would have been obvious to stabilize the bag of Trummer within the automobile by strapping the bag to a headrest and a bottom anchor.

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3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 1, further in view of Hillsberg et al. (US 5,996,749).

Trummer does not show a bump covered by a rubber material as recited in claim 4. However, Hillsberg et al. teaches a container for electronic equipment such as a computer with bumps 18,20 on the interior surface of the third panel. The bumps are covered by rubber material 24 to secure hold and protect the computer. The rubber material can also be considered a bump itself. It would have been obvious in view of Hillsberg to provide cushioning structure with a rubber material cover to securely hold the computer device of Trummer.

4. Claims 13,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. in view of Trummer and Meritt. Kelly et al discloses a case comprising a first panel (the flap portion), a second panel connected to the first panel at a flexible connection. A third panel is connected to the second panel at a second flexible connection where the two panels are hinged to one another. A zipper with two sets of engaging teeth, one set at the second panel and the other set on the third panel. A first strap is the interior foam divider and cushioning piece as shown in Figure 7.

The first panel is also connected to the second panel with connectors. This is the corresponding connector on the first panel and the second panel where the first panel (the flap) is releasably attached to the second panel. In the event the case is not attached by hook and loop material, it would have been obvious to so as notoriously known in the art to secure one element to another.

In addition, in the event that the connections are not flexible, it is well known in the art to make the connection flexible to allow the case to rotate to a desired angle for retrieval of the article.

Kelly et al. does not show four strap portion as required in claim 13. However, Trummer shows two straps 304 on a laptop bag. Meritt teaches a mounting device for releasably and securely mounting an entertainment accessory within an automobile having a headrest. The bag has straps 27,30134,136 on the top and bottom of the bag. The straps secure the entertainment device for viewing while in the automobile. Hence, it would have been obvious to stabilize the bag of Kelly within the automobile by strapping the bag to a headrest and a bottom anchor.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Hillsberg et al. (US 5,996,749). Kelly et al. does not show a bump covered by a rubber material as recited in claim 14. However, Hillsberg et al. teaches a container for electronic equipment such as a computer with bumps 18,20 on the interior surface of the third panel. The bumps are covered by rubber material 24 to secure hold and protect the computer. The rubber material can also be considered a bump itself. It would have been obvious in view of Hillsberg to provide cushioning structure with a rubber material cover to securely hold the computer device of Kelly et al.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Shyr (US 5,967,270). Although it appears Kelly et al. teaches the hooks and loops connection for the first and second panels, Shyr is cited to show an example of the Velcro connection 42.

7. Claims 13,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. in view of Chen and Meritt and/or Trummer. Kelly et al discloses a case comprising a first panel (the flap portion), a second panel connected to the first panel at a flexible connection. A third panel is connected to the second panel at a second flexible connection where the two panels are hinged to one another. A zipper with two sets of engaging teeth, one set at the second panel and the other set on the third panel.

The first panel is also connected to the second panel with connectors. This is the corresponding connector on the first panel and the second panel where the first panel (the flap) is releasably attached to the second panel. In the event the case is not attached by hook and loop material, it would have been obvious to so as notoriously known in the art to secure one element to another.

In addition, in the event that the connections are not flexible, it is well known in the art to make the connection flexible to allow the case to rotate to a desired angle for retrieval of the article.

Kelly et al. does not show four strap portion as required in claim 13. However, Trummer shows two straps 304 on a laptop bag. Meritt teaches a mounting device for releasably and securely mounting an entertainment accessory within an automobile having a headrest. The bag has straps 27,30134,136 on the top and bottom of the bag. The straps secure the entertainment device for viewing while in the automobile. Hence, it would have been obvious to stabilize the bag of Kelly within the automobile by strapping the bag to a headrest and a bottom anchor.

As a matter of securement, Chen suggests providing a strap within the interior compartment to stabilize the computer notebook. It would have been obvious to provide the strap portions to removably secure the computer within the bag.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Hillsberg et al. (US 5,996,749). Kelly et al. does not show a bump covered by a rubber material as recited in claim 14. However, Hillsberg et al. teaches a container for electronic equipment such as a computer with bumps 18,20 on the interior surface of the third panel. The bumps are covered by rubber material 24 to secure hold and protect the computer. The rubber material can also be considered a bump itself. It would have been obvious in view of Hillsberg to provide cushioning structure with a rubber material cover to securely hold the computer device of Kelly et al.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references applied above with respect to claim 13, further in view of Shyr (US 5,967,270). Although it appears Kelly et al. teaches the hooks and loops connection for the first and second panels, Shyr is cited to show an example of the Velcro connection 42.

Conclusion

10. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.


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If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

For applicant's convenience, the official FAX number is 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST. The examiner's supervisor Mickey Yu can be reached at (571) 272-4562 for urgent matters.

STL
September 11, 2006


Primary Examiner
Shian Luong
Art Unit 3728